

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LISAMARIE WEAVER,

Plaintiff,

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CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 13-cv-05098 BHS

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (ECF No.19).

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand for further

1 administrative proceedings, including a *de novo* hearing, pursuant to sentence four of 42 U.S.C.
2 § 405(g).

3 On remand, the administrative law judge (ALJ) shall offer plaintiff an opportunity for a
4 new hearing, further update the medical record, and issue a new decision. The ALJ also shall: 1)
5 further evaluate the severity of all mental impairments and functional limitations with the
6 assistance of expert medical testimony; 2) consider all medical source opinions and fashion a
7 complete residual functional capacity finding; 3) provide specific reasoning for the weight given
8 to opinion evidence, discussing the evidentiary basis for conclusions along with an adequate
9 rationale for either accepting or rejecting probative medical opinions; 4) include all un-rejected
10 workrelated limitations in the residual functional capacity finding; and 5) reassess step five with
11 the assistance of a vocational expert, ensuring that the vocational expert is provided a
12 hypothetical that is consistent with the residual functional capacity ultimately found.

13 The parties agree that reasonable attorney fees shall be awarded pursuant to the Equal
14 Access to Justice Act, 28 U.S.C. § 2412, following proper request to the Court.

15 Given the facts and the parties' stipulation, the Court recommends that the District Judge
16 immediately approve this Report and Recommendation and order that the case be **REVERSED**
17 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 3rd day of September, 2013.

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J. Richard Creatura
United States Magistrate Judge